

## **REMARKS**

Applicant respectfully requests allowance of the subject application. Claims 1-17, 19-32, 34-42, and 44-47 are pending, all of which the Office previously allowed before withdrawing this application from issuance. Applicant respectfully traverses the rejections and requests that the Office again allow all pending claims.

### **The Rejections**

Claims 1-17 and 32 stand rejected under 35 U.S.C. §102(b) as being anticipated by “SMIL 2.0 XML for Web Multimedia” by Lloyd Rutledge (hereinafter, “SMIL 2.0”). *Office Action mailed 01/29/2007*, p. 3. Applicant respectfully traverses the rejection.

Claims 19-31, 34-42, and 44-47 stand rejected under 35 U.S.C. §102(b) as being anticipated by “Synchronized Multimedia Integration Language Boston Specification”, available for public comment on November 15, 1999 (hereinafter, “SMIL99”). *Office Action mailed 01/29/2007*, p. 5-6. Applicant again respectfully traverses the rejection.

### **§102(b) Rejections based on SMIL 2.0**

**Claim 1** recites a method performed by a computer comprising (emphasis added):

- referencing one or more multimedia objects through a first set of one or more elements;
- *associating the first set of one or more elements with a second set of one or more elements; and*

- *arranging* the second set of one or more elements to indicate timing for the multimedia objects referenced by the first set of one or more elements.

In making out a rejection of claim 1, the Office states that SMIL 2.0 discloses each and every element of the claim. Applicant respectfully disagrees and instead submits that SMIL 2.0 at least fails to disclose “associating the first set of one or more elements with a second set of one or more elements”, as recited in Applicant’s claim. Because SMIL 2.0 fails to disclose the “associating” element of Applicant’s claim, SMIL 2.0 also fails to disclose “arranging the second set of one or more elements to indicate timing for the multimedia objects referenced by the first set of one or more elements”, also as recited in Applicant’s claim.

In contending that SMIL 2.0 discloses Applicant’s claimed “associating” element, the Office states the following:

SMIL 2.0 teaches (see page 79) that the “SMIL layout lets you control how each media object is arranged on the screen and integrated into the overall presentation” (lines 3-5 under the “Layout” heading). *If the “media content” is taken as the claimed “first set” and the “layout” is taken as the “second set”, SMIL 2.0 teaches that the first set is “associated” with the second set.*

*Office Action mailed 01/29/2007, p. 3 (emphasis added).*

Applicant respectfully submits, however, that this portion of SMIL 2.0 fails to disclose Applicant’s claimed “associating” element. Instead, this portion of SMIL 2.0 to which the Office cites merely contains a well-known and general assertion that SMIL allows a user to control the layout of media objects in a presentation.

Applicant first notes that Applicant's claim 1 defines the "first set of one or more elements" as "referencing one or more multimedia objects". Applicant therefore submits that any portion of SMIL 2.0 cited as Applicant's claimed "first set" must accordingly "referenc[e] one or more multimedia objects".

Next, Applicant notes that the Office cites SMIL 2.0's "media content" as Applicant's claimed "first set". Applicant respectfully submits, however, that this "media content" does not so reference "one or more multimedia objects" as recited in Applicant's claim. As such, Applicant respectfully submits that this "media content" cannot be said to disclose Applicant's claimed "first set". Finishing the syllogism, Applicant respectfully submits that the Office therefore fails to show how the reference discloses "*associating the first set of one or more elements with a second set of one or more elements*", as recited in Applicant's claim. (emphasis added).

In addition, Applicant notes that the Office cites SMIL 2.0's "media content" as comprising *both* "one or more multimedia objects" as well as the "first set of one or more elements" that references the "one or more multimedia objects". Applicant respectfully submits that this is a circular result. In other words, Applicant respectfully submits that the "media content" of SMIL 2.0 cannot correspond to both "multimedia objects" as well as a "set of one or more elements" that reference these multimedia objects.

Applicant therefore respectfully submits that the Office fails to show how SMIL 2.0 discloses "*associating the first set of one or more elements with a second set of one or more elements*", as recited in Applicant's claim. (emphasis added).

For at least this reason, Applicant respectfully submits that this claim stands allowable.

Because SMIL 2.0 has not been shown to disclose the “associating” element of Applicant’s claim, the Office also has not shown how SMIL 2.0 discloses “arranging the second set of one or more elements to indicate timing for the multimedia objects referenced by the first set of one or more elements”, also as recited in Applicant’s claim.

For at least this additional reason, Applicant respectfully submits that this claim stands allowable.

**Dependent claims 2-17** depend from independent claim 1. Each of these claims is therefore allowable by virtue of this dependency, as well as for the additional features that each recites.

In addition, Applicant notes that the Office fails in the current Action to address the subject matter that **claims 4-16** recite. Instead, the Office states that “[a]s per claims 4-16, these claims are at least rejected for their dependencies, directly or indirectly, on the rejected claims 1-3.” *Office Action mailed 01/29/2007*, p. 5. However, Applicant submits that this is not a legitimate basis for rejecting dependent claims. The subject matter of each dependent claim must be shown to be disclosed by the cited references for the rejection of the dependent claims to be proper. Because the Office fails to address the subject matter associated with these dependent claims, Applicant respectfully submits that these claims stand allowable. In addition, Applicant notes that because the subject matter of these claims has not been addressed, the next Office Action may not

finally reject these claims. Instead, any such proceeding Action must remain non-final.

Finally, **Claim 32** apparently stands rejected under 35 U.S.C. §102(b) as being anticipated by SMIL 2.0. Claim 32, however, depends upon claim 19, which does not stand rejected as being anticipated by SMIL 2.0. As such, Applicant respectfully submits that the rejection of claim 32 is improper for at least this additional reason.

#### **§102(b) Rejections based on SMIL99**

**Claim 19** recites a method performed by a computer comprising (emphasis added):

- referencing one or more multimedia objects through a first set of one or more elements in a first document;
- associating the first set of one or more elements in the first document to a second set of one or more elements in a second document; and
- *arranging the second set of one or more elements of the second document to indicate timing for the multimedia objects referenced by the first set of one or more elements in the first document.*

In making out a rejection of this claim, the Office asserts that SMIL99 anticipates claim 19. Applicant respectfully traverses the rejection, and instead requests that the rejection be withdrawn for two reasons: (1) the Office fails to address the “arranging” element of Applicant’s claim, and (2) the cited portions of SMIL99 fail to teach the “arranging” element of Applicant’s claim.

Applicant first submits that the Office’s rejection fails to show how SMIL 99 discloses each and every element of Applicant’s claim 19, as is required for a

proper anticipation rejection. In making out a rejection of the claim, the Office states the following:

As per claim 19, SMIL99 teaches (see chapter M) *referencing* one or more multimedia objects with a first set of one or more elements (see chapter M, section 2.3.1 “content”), *associating* a second set of elements (see chapter M, section 2.3.1 “timing”), wherein the content elements are in one document and the timing elements are in a second document (see chapter M, section 2.3 “A Timesheet uses SMIL timing within a separate document or separate section of the content document and imposes that timing onto elements within the content document.”) See also chapter M, section 2.3.2 for examples. *Thus, claim 19 is anticipated by SMIL99.*

*Office Action mailed 01/29/2007, p. 6 (emphasis added).*

Applicant respectfully submits that the above rejection noticeably lacks any mention of the Applicant’s claimed “arranging” element. Applicant therefore respectfully submits that the Office fails to show how SMIL99 anticipates Applicant’s claim.

For at least this reason, Applicant respectfully submits that this claim stands allowable.

In addition, Applicant respectfully submits that the cited portions of SMIL99 fail to disclose “*arranging the second set of one or more elements of the second document to indicate timing for the multimedia objects referenced by the first set of one or more elements in the first document*”, as recited in Applicant’s claim. (emphasis added).

Instead, SMIL99 at most has been shown to disclose a general discussion of timesheets. According to the cited portions of the reference, “[t]imesheets refer to both the conceptual model along which timing, including the structure of the

timing, is integrated into an XML document, as well as one possible syntax implementation.... A Timesheet uses SMIL timing within a separate document or separate section of the content document and imposes that timing onto elements within the content document.” *SMIL99*, Ch. M, §2.3.

Applicant respectfully submits that the above passage at most discloses that a “separate document” may “impose [that document’s] timing onto elements within the content document”. Applicant respectfully submits, however, that a mere mention of *imposing* timing from one document onto another fails to disclose “*arranging [a] set of one or more elements...to indicate timing*”, as recited in Applicant’s claim. (emphasis added). Applicant therefore respectfully submits that the cited portions of SMIL99 fail to disclose “*arranging the second set of one or more elements of the second document to indicate timing for the multimedia objects referenced by the first set of one or more elements in the first document*”, as recited in Applicant’s claim. (emphasis added).

For at least this additional reason, this claim stands allowable.

**Dependent claims 20-31** depend from independent claim 19. Each of these claims is therefore allowable by virtue of this dependency, as well as for the additional features that each recites.

In addition, Applicant notes that the Office fails in the current Action to address the subject matter that **claims 20-31** recite. Instead, the Office states that “[a]s per claims 20-31, these claims are at least rejected for their dependencies, directly or indirectly, on the rejected claim[] [19].” *Office Action mailed 01/29/2007*, p. 6. As noted above, Applicant submits that this is not a legitimate basis for rejection. Because the Office fails to address the subject matter

associated with these dependent claims, Applicant respectfully submits that these claims stand allowable. In addition, Applicant notes that because the subject matter of these claims has not been addressed, the next Office Action may not finally reject these claims. Instead, any such proceeding Action must remain non-final.

In making out a rejection of **independent claims 34, 40, and 44**, the Office uses reasoning similar to that discussed above in regards to claim 19. Applicant therefore respectfully submits that these claims stand allowable for at least reasons similar to those discussed above in regards to claim 19.

Each of **dependent claims 35-39 and 41-42** depend from one of independent claims 34 and 40. Each of these claims is therefore allowable by virtue of this dependency, as well as for the additional features that each recites.

In addition, Applicant notes that the Office fails in the current Action to address the subject matter that **claims 35-39 and 41-42** recite. Instead, the Office states that “[a]s per claims 35-39 [and] 41-42..., these claims are at least rejected for their dependencies, directly or indirectly, on the rejected claims 34 [and] 40”. *Office Action mailed 01/29/2007*, p. 8. Again, as noted above, Applicant submits that this is not a legitimate basis for rejection. Because the Office fails to address the subject matter associated with these dependent claims, Applicant respectfully submits that these claims stand allowable. In addition, Applicant notes that because the subject matter of these claims has not been addressed, the next Office Action may not finally reject these claims. Instead, any such proceeding Action must remain non-final.



Finally, Applicant notes that **independent claim 45** apparently stands rejected “for [its] dependenc[y] on the [one of] the rejected claims 34, 40, and 44”. *Id.* Applicant respectfully submits, however, that independent claim 45 does not so depend from any claim. As such, the Office entirely fails to address the subject matter associated with this independent claim.

For at least this reason, Applicant respectfully submits that this claim stands allowable. In addition, Applicant notes that because the subject matter of this claim has not been addressed, the next Office Action may not finally reject this claim. Instead, any such proceeding Action must remain non-final.

**Dependent claims 46-47** depend from claim 45. Each of these claims is therefore allowable by virtue of this dependency, as well as for the additional features that each recites.

In addition, Applicant notes that the Office fails in the current Action to address the subject matter that **claims 46-47** recite. Instead, the Office states that “[a]s per claims...45-47, these claims are at least rejected for their dependencies, directly or indirectly, on the rejected claims 34, 40, and 44”. *Office Action mailed 01/29/2007*, p. 8. Again, claims 46-47 do not so depend on any of claims 34, 40, and 44, but rather on independent claim 45. Nevertheless, because the Office fails to address the subject matter associated with dependent claims 46-47, Applicant respectfully submits that these claims stand allowable. In addition, Applicant notes that because the subject matter of these claims has not been addressed, the next Office Action may not finally reject these claims. Instead, any such proceeding Action must remain non-final.

### Conclusion

Pending claims 1-17, 19-32, 34-42, and 44-47 are in condition for allowance. If any issues remain that preclude allowance of this application, the Examiner is urged to contact the undersigned agent before issuing a subsequent action.

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Respectfully Submitted,

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